UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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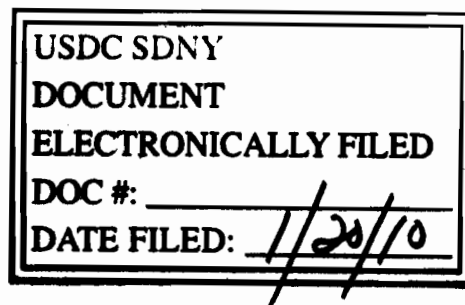
AMUSEMENT INDUSTRY, INC. dba   :
WESTLAND INDUSTRIES; and PRACTICAL
FINANCE CO., INC.,   :   ORDER

                Plaintiffs,   :   07 Civ. 11586 (LAK) (GWG)

    -v.-   :

MOSES STERN, aka MARK STERN; JOSHUA   :
SAFRIN; FIRST REPUBLIC GROUP REALTY
LLC; EPHRAIM FRENKEL; and LAND TITLE   :
ASSOCIATES ESCROW,

                                          :
             Defendants.
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

      Plaintiffs have leave to file a second amended complaint as described in their letter of January 15, 2010. Such filing shall take place by January 27, 2010.

      In light of this planned filing, the Court deems the motion to dismiss that complaint filed by First Republic Group, Corp., Moses Stern, Ephraim Frenkel, and Land Title Associates Escrow (Docket # 279) withdrawn without prejudice to reinstatement by letter or other written means.[1] The parties shall either answer, move, or reinstate previously-filed motions with respect to such second amended complaint within 30 days of its filing, unless otherwise ordered by the Court. The parties should attempt to agree on a briefing schedule in accordance with paragraph 2.B of this Court's Individual Practices.[2]
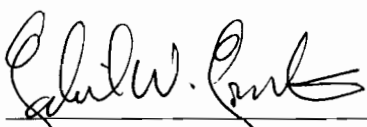
      SO ORDERED.

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    [1] While First Republic Group Realty, LLC was originally a party to this motion, all proceedings in this case as to First Republic Group Realty, LLC have been stayed due to the automatic bankruptcy stay. Because plaintiff is constrained by the instant order to file a second amended complaint that makes only the changes outlined in the January 15, 2010 letter, the inclusion of First Republic Group Realty, LLC as a defendant in the second amended complaint will not be deemed to violate that stay.

    [2] As previously ordered, the parties shall not re-file any documents that have been previously filed. Any party is free to cite to or incorporate by reference a previously-filed document by referring to such document's docket number.

Dated: January 19, 2010
      New York, New York

GABRIEL W. GORENSTEIN
United States Magistrate Judge